

FILED

1. IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN SEP 26 2024

2. DISTRICT OF OHIO EASTERN DIVISION

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND3. RANDALL G. STEPHENS,
4. P. O. BOX 20051
5. CLEVELAND, OHIO 44120

1 : 24 MC 00051

Miscellaneous Case Number

6. Plaintiff,

JUDGE OLIVER

7. vs.

8. DOW CHEMICAL COMPANY et. al.,
9. HEAD QUARTERS,
10. 2211 H. H. DOW WAY
11. MIDLAND, MICHIGAN 48674

Reference Case Number: 1:09 CV 01219

JUDGE: JAMES E. GWIN

12. and

13. JIM FITTERLING,
14. CHIEF EXECUTIVE OFFICER OF
15. THE DOW CHEMICAL COMPANY,
16. 2211 H. H. DOW WAY
17. MIDLAND, MICHIGAN 48674

MOTION PURSUANT TO COURT ORDER

SEEKING LEAVE TO FILE

DECLARATORY JUDGMENT

18. and

19. HOWARD UNGERLEIDER,
20. PRESIDENT AND CHIEF
21. FINANCIAL OFFICER OF
22. THE DOW CHEMICAL COMPANY,
23. 2211 H. H. DOW WAY
24. MIDLAND, MICHIGAN 48674

25. Defendants.

JURY DEMAND ENDORSED HEREON

26. Now comes Plaintiff Randall G. Stephens and respectfully moves this Honorable Court
27. pursuant to Federal Rule of Civil Procedure 57 which governs the procedure for obtaining a
28. declaratory judgment under United States Code Section 2201. The rule provides for a
29. "speedy hearing" or other form of expedited relief. Federal Rules of Civil Procedure 38 and

\$52.00 Received 9/26/2024. Rec'd # 154233

30. 39 governs a demand for a jury trial.

31. PARTIES:

32. 1. Plaintiff Randall G. Stephens proceeding Pro se, is a citizen of the United States of
33. America and a resident of the State of Ohio residing at 2825 Apartment 507-B East 130th.
34. Street Cleveland, Ohio 44120. Plaintiff is a African American of African ancestry.

35. 1. Defendant, Dow Chemical Company, is among the three largest producers in the
36. world. Dow manufactures plastics, chemicals, and agricultural products. With a presence
37. in about 160 countries and employs about 54,000 people worldwide.

38. 2, Defendant Jim Fitterling, is the Chief Executive Officer of the Dow Chemical
39. Company, and has the duty of making all business decision concerning the best interest
40. of the Dow Chemical Company's liabilities, assets and profits.

41. 3. Defendant Howard Ungerleider, is the President and Chief Financial Officer of the
42. Dow Chemical Company, and has the duty of assisting the Chief Executive Officer in
43. making all financial business decision, concerning the liability, assets and profits of the
44. Dow Chemical Company.

45. STATEMENT OF FINDINGS OF FACT

46. January 19, 2016 Plaintiff filed his complaints into the Court of Common Pleas Cuyahoga
47. County, Ohio which was assigned case number CV-16-857520 and placed on the docket of
48. now retired Judge Jose' A. Villanueva. March 29, 2016 Case Management Conference was
49. held which reads in pertinent part as follows:

50. "Plaintiff alleges he was denied workers' compensation and social security benefits
51. earned while working at Union Carbide Corporation, now Dow Chemical Company.
52. Defendant has filed a motion for judgment on the pleadings and a counterclaim asking the
53. court to declare Plaintiff Stephens a vexatious litigator.

54. June 7, 2016 Judge Jose' A Villanueva, Granted Plaintiff's Motion for Leave to File
55. Instanter the Correct Brief in Opposition to Defendants' Counterclaim to Declare Plaintiff a
56. Vexatious Litigator, pursuant to New York Life Ins. Co., vs Calhoun, C.C.A. Mo., 114 F.
57. 2d 526, 537 which states as follows:

58. "Under the statute permitting recovery of damages for "vexatious delay or refusal to
59. pay" of an insurer in payment of a policy, no penalty can be inflicted unless it appears to a
60. reasonable and prudent man before the trial that refusal was willful and without reasonable
61. cause, and penalty will not be inflicted because of adverse outcome of trial.

62. ISSUE I

63. Whether Plaintiff is a vexatious litigator in compliance with Ohio Rule of Civil
64. Procedure 3, and Ohio Revised Code Section 2323.52?

65. March 13, 2017 the Defendants Dow Chemical Company et. al., through and by their
66. Attorneys the Zashin & Rich Labor and Employment Law Firm, Lead Attorney Jeffrey J.
67. Wedel, filed their second Motion requesting the Court to declare Plaintiff a Vexatious
68. Litigator pursuant to the Ohio Revised Code Section 2323.52.

69. In the case of Whipples v. Ryan, 2013-Ohio-4382 the Court of Appeals of Ohio, Tenth

70. Appellant District Franklin County Judgment Rendered October 3, 2013 Reversed; cause
71. Remanded. At page 3 last paragraph reads as follows:

72. With regards to a declaration that a party is a Vexatious Litigator, Ohio Revised Code
73. Section 2323.52 unambiguously requires the commencement of a civil action, and a motion
74. is not equivalent of a complaint. Pursuant to Ohio Rule of Civil Procedure 3, a party
75. commences a civil action by filing a complaint. Accordingly, filing a motion in a pending
76. cause of action is not equivalent of commencing a civil action as intended by both Ohio
77. Revised Code Section 2323.52 and Ohio Rule of Civil Procedure 3.

78. **STATEMENT OF FINDINGS OF FACT**

79. January 12, 2017 Court of Common Pleas Cuyahoga County, Ohio Journal Entry of
80. Kelly Ann Gallagher, reads in its entirety as follows:

81. "Final Pretrial set for 02/23/2017 at 02:00 P. M. Parties with authority to settle are to be
82. present. Out of Town Adjusters/Parties with authority may appear by telephone provided
83. they remain available throughout the entire conference."

84. **ISSUE II**

85. Whether the Defendants Dow Chemical Company et. al., Breached the Court Ordered
86. Agreed Settlement by All Parties, which was Ordered by Judge Kelly Ann Gallagher, to be
87. settled at the final pretrial date of February 23, 2017 at 02:00 P. M.?

88. February 23, 2017 at 02:00 P. M. Pretrial was held, Attorney Jeffery J. Wedel, appeared
89. and represented the Defendants Dow Chemical Company et. al., Plaintiff Randall G.

90. Stephens, appeared Pro se, the Defendants Dow Chemical Company et. al., did not object
91. nor disagreed with the Court Order Agreed Settlement by the All Parties, which was Ordered
92. by Judge Kelly Ann Gallagher, January 12, 2017 in her Journal Entry. Which designation is
93. an irrevocable consent of the parties thereto to such jurisdiction under Ohio Revised Code
94. Section 2711.01 to 2711.14 inclusive.

95. May 22, 2017 Judge Kelly Ann Gallagher, filed her Opinion and Order which reads in
96. pertinent part as follows:

97. Opinion: "In this instant case, Mr. Stephens submitted to this Court an "Order by the
98. Court of Agreed Settlement by All Parties." In said document, Mr. Stephens awarded
99. himself close to five billion dollars, payable in six payments by Dow Chemical Company.

100. Judge Kelly Ann Gallagher's May 22, 2017 Journal Entry Order reads in pertinent part
101. as follows:

102. As no issues remain to be litigated, this Order is Final. No just cause for delay.

103. OHIO REVISED CODE SECTION 5321.12 RECOVERY OF DAMAGES.

104. In any action under Chapter 5321.12 of the Ohio Revised Code, any party may recover
105. damages of the breach of contract or the breach of any duty that is imposed by law.

106. PLAINTIFF'S LEGAL RIGHTS AS A MATTER OF LAW

107. In accordance with Ohio Rule of Civil Procedure 3, Ohio Revised Code Section
108. 2323.52, and precedent case law Whipples vs Ryan, Plaintiff is not and cannot be a

109. vexatious litigator by law.

110. Further in accordance with Ohio Revised Code Sections 2711.01 to 2711.14 the
111. jurisdiction of the Court of Common Pleas Cuyahoga County, Ohio which designation is an
112. irrevocable consent of the parties there to such jurisdiction, and Ohio Revised Code Section
113. 5321.12 Recovery of Damages, Plaintiff, is entitle to the Court Ordered Agreed Settlement
114. by All Parties in the amount of Four Billion Eight Hundred One Million One Hundred Forty
115. Two Thousand Nine Hundred Fifty Six Dollars and Eighty Cents (\$4,801,142,956.80),
116. without any further delay.

117. Finally, Plaintiff has a right to a speedy public trial, in accordance with Ohio Constitution
118. Article VIII Section II of the trial of accused person, and their rights.

119. "In any trial, in any court, the party accused shall be allowed to appear and defend in
120. person and with counsel; to demand the nature and cause of the accusation against him, and
121. to have a copy thereof; to meet the witnesses face to face, and to have compulsory process to
122. procure the attendance of witnesses in his behalf, and a speedy public trial by an impartial
123. jury of the county in which the offense is alleged to have been committed.

124. Final Order of the Court of Common Pleas Cuyahoga County, Ohio Case Number
125. CV-18-903654 Journal Entry reads in its entirety as follows:

126. "Pursuant to the Notice of Appeal filed May 14, 2020. All matters in this case are hereby
127. stayed. Case will be reinstated to the active docket upon remand."

128. The Final Order of the Court of Appeal of Ohio Eighth District in Case Number

129. COA 109722 reads as follows:

130. "Sua sponte, this appeal is dismissed." Definition of sua sponte. Of his or its own will
131. or motion, voluntarily.

132. The Final Order of the Supreme Court of Ohio in Case Number 2020-0862 reads as
133. follows:

134. "Upon consideration of the jurisdictional memoranda filed in this case, the Court
135. declines to accept jurisdiction of the appeal pursuant to S. Ct. Prac. R. 7.08(B)(4)."

136. SUPREME COURT OF OHIO PRACTICE RULE 7.08(B)(4)

137. Decline to accept the appeal. In declining to accept an appeal the Supreme Court has
138. determined that one or more of the following are applicable after review of the
139. jurisdictional memoranda:

140. (d) The appeal does involve a felony, but leave to appeal is not warranted.

141. OHIO REVISED CODE SECTIONS 2929.12(B), 2929.12(B)(2) and 2929.12(B)(3)

142. IMPOSING SENTENCE FOR FELONY

143. Ohio Revised Code Section 2929.12 "The following do not control the court's
144. discretion, but shall be considered in favor of imposing a longer term of imprisonment
145. for a felony for which an indefinite term of imprisonment is imposed.

146. Ohio Revised Code Section 2929.12(B)(2) Regardless of whether the offender knew
147. the age of the victim, the victim of the offense was six-five years of age or older,

148. permanently and totally disabled, or less than eighteen years of age at the time of the
149. commission of the offense.

150. Ohio Revised Code Section 2929.12(B)(3) The victim of the offense has suffered
151. sever social, psychological, physical, or economic injury as a result of the offense.

152. The Final Order of the Supreme Court of the United States, in Case Number 20-1066
153. reads in its entirety as follows:

154. “The petition for writ of certiorari is denied. Justice Alito took no part in the
155. consideration or decision of this petition.”

156. If the writ is denied the court refuses to hear the appeal and, in effect, the judgment
157. below stands unchanged.

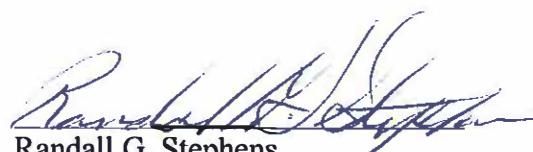
158. **JURY DEMAND ENDORSED HEREON**

159. Plaintiff Randall G. Stephens, respectfully moves this Honor Court pursuant to Federal Rule
160. of Civil Procedure 38 and 39 demanding that a “speedy trial” be held before a jury of twelve
161. (12), of his peers to determine the final and full settlement of his worker’s compensation claim
162. as well as final judgment by law on the issues stated in this Motion Pursuant to Court Order
163. Seeking Leave to File Declaratory Judgment with Jury Demand Endorsed Hereon.

164. September 26, 2024 A. D.

165.

Respectfully submitted by,


Randall G. Stephens
Plaintiff Pro se
P. O. Box 20051
Cleveland, Ohio 44120
(216) 536-1052

166.
167.
168.
169.
170.
171.

172. STATE OF OHIO)
173.) SS:
174. COUNTY OF CUYAHOGA)

175. AFFIDAVIT IN SUPPORT OF MOTION PURSUANT TO COURT ORDER
176. SEEKING LEAVE TO FILE DECLARATORY JUDGMENT
177. WITH JURY DEMAND ENDORSED HEREON

178. I Randall G. Stephens, being of full age and sound mind, willfully and voluntarily
179. being first duly sworn and under oath depose and state by these presents do make and
180. constitute this Twenty Sixth (26th) day of September 2024 A. D., as follows:

181. Know all men and women by these presents: I Randall G. Stephens, further depose and
182. and state I am the Plaintiff in the above caption action, and that this document raises issues
183. that have not been asserted in this United States District Court for the Northern District of
184. Ohio Eastern Division, or in any other court, and the claim and issues are not frivolous and not
185. submitted in bad faith. Due, to the fact that the political bands of the United States of America
186. and the State of Ohio has become so destructive upon my, life that I, no longer having the desire
187. to be under the political bands of the United States of America, nor the State of Ohio. Therefore
188. I, Declare and make this Declaration of Independent of my Sovereignty.

-10-

189. This affidavit was Executed within the United States, its Territories, Possession, and
190. Commonwealths. I declare under penalty of perjury that the foregoing instrument is the
191. truth the whole truth and nothing but the truth and correct so help me God.

192. Executed on this Twenty Sixth (26th) day of September 2024 A. D.

193. Affiant further sayeth naught.

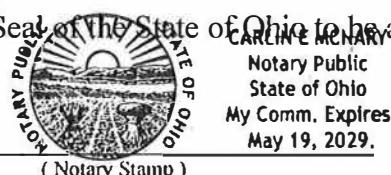
194. September 26, 2024 A. D.

195. Respectfully submitted by,

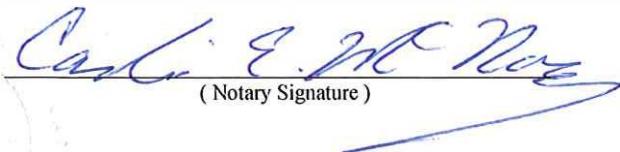

Randall G. Stephens,
Affiant
P. O. Box 20051
Cleveland, Ohio 44120
(216) 536-1052

202. Sworn to and Subscribed Before me in and for said County of Cuyahoga and State of
203. Ohio on this Twenty Sixth (26th) day, of September 2024 A. D., have hereunto subscribed my
204. name below and caused the Great Seal of the State of Ohio to be affixed on this instrument.

205. My Commission Expires _____



206. (Seal)


(Notary Signature)

208. DECLARATION OF INDEPENDENTS OF RANDALL G. STEPHENS

209. I Randall G. Stephens, depose and state from October 14, 1969 the date of my accidental
210. left knee injury I have been at the mercy of my former employer the Union Carbide
211. Corporation et. al., whom, refused to comply with repeated Orders of the Bureau of Workers'
212. Compensation and the Industrial Commission of Ohio, as well as the Social Security
213. Disability Administration of the United States of America, which political agencies has no
214. authority to compel my former employer Union Carbide Corporation et. al., to comply with
215. the laws of the Bureau of Workers' Compensation and Industrial Commission of Ohio, nor
216. the laws of the Social Security Disability Administration, of the United States of America,
217. because they were a self-insured employer.

218. I have filed several complaints into the Court of Common Pleas Cuyahoga County, Ohio,
219. and have appealed to the Court of Appeals of Ohio Eighth District, and appealed to the
220. Supreme Court of Ohio. I have filed several complaints into the United States District Court
221. for the Northern District of Ohio Eastern Division, and appealed to the United States Court
222. of Appeals for the Sixth Circuit, and appealed to the Supreme Court of the United States of
223. America, and I filed a complaint into the United States District Court for the District of
224. Columbia. Each one of my complaints stated the Original Record of Proceedings of the
225. Findings of Facts of the Bureau of Workers' Compensation and Industrial Commission of
226. Ohio, and the Original Proceedings of the Social Security Disability Administration, which
227. were dismissed under precedent case law Darrell William, Plaintiff vs. Chuck Conner, Acting
228. Secretary, United States Department of Agriculture, Defendant, which reads as follows:

229. The Court "must accept as true all of the factual allegations contained in the complaint."

230. The complaint "is construed liberally in the plaintiffs" favor, and [the Court should] grant
231. plaintiff's the benefit of all inferences that can be derived from the facts alleged.

232. I have never been given a chance to present my evidence before a jury of twelve (12) of
233. my peers, which would reveal the conduct and acts of criminal crimes that the former
234. employer committed against me and their refusal to comply with the laws of the land.

235. I have been denied workers' compensation benefits, social security disability insurance
236. benefits, medical treatment, surgical, nursing and hospital attention and services, and
237. medicines for the injury and complication which have been allowed in my worker's
238. compensation claim by the State Agencies. The employers are required and has the
239. responsible under the laws of the State of Ohio and the Federal laws of the United States of
240. America, to provide workers' compensation benefits, social security disability insurance
241. benefits, medical treatment, surgical, nursing and hospital attention and services, and
242. medicines for the injury and complication which are allowed in the Workers' Compensation
243. claim.

244. These employers have destroyed my life for the past Fifty-Four (54) years, I have been
245. suited by hospitals, pharmacies, and Doctors for unpaid bills, the Union Carbide Corporation
246. et. al., has sent me worker's compensation checks of One Hundred Twelve (\$112.00)
247. Dollars, once I deposited the checks into my account, they were returned to me for non-
248. sufficient funds. I can't obtain credit nor a decent place to live, this has been nothing but a
249. diabolical scheme to keep the wealthy, wealthy and the poor, poor having no freedom, liberty
250. or justice for the poor and permanent and totally disabled persons that are injured during the
251. course, of their employment with a self-insured employer.

252. I Randall G. Stephens, further declare under oath and the penalty of perjury, that the typed
253. statements in my Motion Pursuant to the Court Order Seeking Leave to File Declaratory
254. Judgment with Jury Demand Endorsed Hereon, against the now Defendants Dow Chemical
255. Company et. al., to obtain the full and final payment of my worker's compensation claim,
256. Ordered by the Court of Common Pleas Cuyahoga County, Ohio's Court Ordered Agreed
257. Settlement by All Parties, through the arbitration proceeding in the Court of Common Pleas
258. Cuyahoga County, Ohio which is a irrevocable consent of the parties thereto to such
259. jurisdiction, is the truth the whole truth and nothing but the truth, so help me God.

260. Whenever any Form of Government becomes destructive of these ends, it is the Right of
261. the People to alter or to abolish it, and to institute new Government, laying its foundation on
262. such principles and organizing its powers in such form, as to them shall seem most likely to
263. effect their Safety and Happiness. But when a long train of abuses and usurpations, pursuing
264. invariably the same Object evinces a design to reduce them under absolute Despotism, it is
265. their right, it is their duty, to throw off such Government, and to provide new Guards for
266. their future security.

267. We therefore have laid the foundation for the Help on Learning Your Basic Instructions
268. Before Leavening Earth (Holy Bible) by incorporating for non-profit The Kingdom of
269. Heaven Enterprise, Sounds of Love, Peace and Tranquility in God, Non-Negotiable
270. Everlasting Distribution, and God's Trust Foundation, are such principles and organizing its
271. powers in such form, as to provide for our Safety, Security, Peace of Mind and the Pursuit of
272. Happiness, to assume the Laws of Nature and of Nature's God, as we are entitled to by God's
273. Word. In the beginning was the Word, and the Word was with God, and the Word was God.

274. (John chapter 1 verse 1 King James Version)

275. September 26, 2024

276. Respectfully submitted by,

277. 
278. Randall G. Stephens,
279. Plaintiff Pro se
280. P. O. Box 20051
281. Cleveland, Ohio 44120
282. (216) 536-1052

283. CERTIFICATION OF SERVICE

284. The original Motion Pursuant to Court Order Seeking Leave to File Declaratory
285. Judgment with Jury Demand Endorse Hereon, was filed into the Carl B. Stokes United States
286. District Court for the Northern District of Ohio Eastern Division, Clerk of Courts Office on the
287. first floor located at 801 West Superior Avenue Cleveland, Ohio 44113, on this Twenty Sixth
288. (26th) day, of September 2024 A. D.

289. One copy of Plaintiff's Motion Pursuant to Court Order Seeking Leave to File Declaratory
290. Judgment with Jury Demand Endorsed Hereon, was placed in the care of the United States
291. Postal Service Priority Mail Number EJ 681 457 775 US First Class Postage Prepaid,
292. Signature Requested, addressed to the Department of Justice, 950 Pennsylvania Avenue
293. North, West Washington D. C., 20530-0001 to the attention of the United States Attorney
294. General Merrick B. Garland, on this Twenty Sixth (26th) day, of September 2024 A. D.

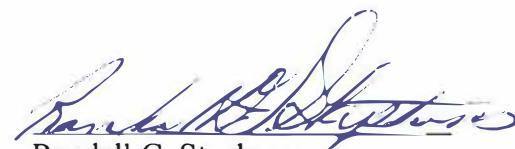
295. One copy of Plaintiff's Motion Pursuant to Court Order Seeking Leave to File Declaratory

296. Judgment with Jury Demand Endorsed Hereon, was placed in the care of the United States
297. Postal Service Priority Mail Number EJ 681 457 673 US First Class Postage Prepaid,
298. Signature Requested, addressed to the Ohio Attorney General Dave Yost, 150 Gay Street 21st.
299. Floor Columbus, Ohio 43215 to the attention of Timothy X. McGrail, on this Twenty Sixth
300. (26th) day, of August 2024 A. D.

301. One copy of Plaintiff's Motion Pursuant to Court Order Seeking Leave to File Declaratory
302. Judgment with Jury Demand Endorsed Hereon, was placed in the care of the United States
303. Postal Service Priority Mail Number EJ 681 457 687 US First Class Postage Prepaid,
304. Signature Requested, addressed to the Zashin & Rich Labor and Employment Law Firm 950
305. Main Avenue 4th Floor Cleveland, Ohio 44113 to the attention of Attorney Jeffrey J. Wedel,
306. Lead Attorney for the Dow Chemical Company, on this Twenty Sixth (26th) day, of September
307. 2024 A. D.

308. September 26, 2024 A. D.

309. Respectfully submitted by,


310. Randall G. Stephens,
311. Plaintiff Pro se
312. P. O. Box 20051
313. Cleveland, Ohio 44120
314. (216) 536-1052